

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Case No. 22-00238-01/06-CR-W-BCW
)
DONALD A. NOLEN,)
GREGORY M. SINGLETON, JR.,)
JUSTIN T. PADGETT,)
ERIC M. STILLEY,)
DEVIN E. LAWSON, and)
ERIC S. SHERIDAN,)
)
Defendants.)

ORDER

On October 12, 2022, the Grand Jury returned a thirteen-count Indictment against defendants Donald A. Nolen, Gregory M. Singleton, Jr., Justin T. Padgett, Eric M. Stilley, Devin E. Lawson, and Eric S. Sheridan. The Indictment charges all defendants with Conspiracy to Distribute 500 Grams or More of Methamphetamine (Count One). The remaining counts of the Indictment charge various defendants with Possession With Intent to Distribute 500 Grams or More of Methamphetamine or 50 Grams or More of Actual Methamphetamine (Counts Two, Seven, and Ten), Distribution of 5 Grams or More of Actual Methamphetamine (Counts Three, Four, Five, and Six), Possession of a Firearm in Furtherance of a Drug Trafficking Crime (Count Eight), Felon in Possession of a Firearm (Count Nine), Possession With Intent to Distribute 5 Grams or More of Actual Methamphetamine (Counts Eleven and Twelve), and Possession With Intent to Distribute Methamphetamine (Count Thirteen).

On March 29, 2023, defendant Nolen filed a Motion for Continuance of Pre-Trial Conference Setting and Criminal Jury Trial Docket (Doc. #60). The motion requests a continuance to the joint criminal jury trial docket commencing September 25, 2023.¹ The motion states that given the complexity of the case, the defendant requires additional time to review all discovery related to this matter. The Court has been advised that all parties consent to the requested continuance.

The Speedy Trial Act of 1974, as amended, mandates the commencement of the trial of a defendant within seventy days from the defendant's first appearance before a judicial officer of the court in which the charge is pending. In computing the seventy-day time period, the periods of delay set forth in 18 U.S.C. § 3161(h) are to be excluded. Any period of delay resulting from a continuance granted at the request of a defendant is excludable if the Court finds the ends of justice served by the taking of such action outweigh the best interests of the public and the defendants in a speedy trial, provided the Court sets forth the reasons for such finding. *See* 18 U.S.C. § 3161(h)(7)(A).

Given the issues outlined above, the Court finds that it would be unreasonable to expect defense counsel to prepare this case adequately for trial prior to September 25, 2023, and that failure to grant a continuance would deny defense counsel the reasonable time necessary for effective preparation and, thus, would deny the defendants their right to effective assistance of counsel. The Court further finds the ends of justice served by granting a continuance outweigh the best interests of the public and the defendants in a speedy trial.

Based on the foregoing, it is

¹While the motion refers to "the Joint Criminal Jury Trial Docket of October 2, 2023," the joint criminal jury trial docket actually commences on September 25, 2023.

ORDERED that the Motion of Defendant Donald Andrew Nolen for Continuance of Pre-Trial Conference Setting and Criminal Jury Trial Docket (Doc. #60) is granted. This case is removed from the joint criminal jury trial docket which commences May 1, 2023, and set for trial on the joint criminal jury trial docket which commences September 25, 2023. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h), the time between the date of this Order and October 6, 2023, the last day of the September 25, 2023 Joint Criminal Jury Trial Docket, shall be excluded in computing the time within which this trial must commence. It is further

ORDERED that a pretrial conference is set for September 5, 2023. The time of the conference will be provided in a subsequent notice of hearing.

/s/ Lajuana M. Counts

Lajuana M. Counts
United States Magistrate Judge